

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 05-30042-MAP
)	
RICARDO DIAZ,)	
and)	
CESAR CRUZ)	
Defendants.)	

THE GOVERNMENT'S MOTION FOR AN ORDER OF EXCLUDABLE DELAY
(Assented to)

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, respectfully moves for an order of excludable delay under the Speedy Trial Act, 18 U.S.C. §3161(h), from October 5, 2005 until December 7, 2005. In support of this motion, the Government states the following:

1. On October 5, 2005, the Defendant Cruz (through Attorney Joseph Franco) and Defendant Diaz (through Attorney Terry Nagel) agreed with the government that this time should be excluded. The parties need the time to review the discovery, show the discovery to the incarcerated Defendants, and to prepare discovery letters and motions. The parties are also waiting for transcripts of the transactions to be completed.

It is in the best interests of the Defendant, the government, and the public, to exclude the time from October 5, 2005, until December 7, 2005, from the period within which the

trial of this case must commence under the Speedy Trial Act.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Paul Hart Smyth

Paul Hart Smyth
Assistant U.S. Attorney

Dated: October 5, 2005

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts
October 5, 2005

I, Paul Hart Smyth, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing to Attorney Terry Nagel, 95 State Street, Springfield, MA and Attorney Joseph Franco, 51 Park Avenue, West Springfield, MA.

/s/ Paul Hart Smyth
Paul Hart Smyth
Assistant U.S. Attorney